

BARNES & THORNBURG LLP



11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 3764
Confirmation No.: 9671
Application No.: 09/412,459
Invention: AIRWAY TREATMENT
APPARATUS WITH BIAS LINE
CANCELLATION
Inventor: Nicholas P. Van Brunt
Filed: October 4, 1999
Attorney
Docket: 7175-74159
Examiner: Mathew, Fenn C.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on Dec. 28, 2004

Ronita K. Bury
(Signature)

Ronita Bury
(Printed Name)

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The NOTICE OF ALLOWANCE AND FEE(S) DUE and the NOTICE OF ALLOWABILITY for the above-captioned patent application were mailed by the U.S. Patent & Trademark Office on October 6, 2004. A Supplementary Partial European Search Report, dated November 4, 2004, in a foreign counterpart of the above-captioned application was sent to Applicant's foreign patent counsel by the European Patent Office after the allowance of the above-captioned application. Two references listed in the Supplementary Partial European Search Report have not been considered by the Examiner in the above-captioned application. Accordingly, it is respectfully requested that the above-captioned patent application be withdrawn from issue for consideration of the two references listed in the Information

01/04/2005 HMEKONEN 00000040 09412459

02 FC:1464

130.00 OP

Petition is
moot

IDS considered
2/14/05 and
allowability
maintained

gcm

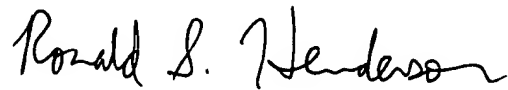
Stephen Marcus
Special Program Examiner
Group 3700

Disclosure Statement submitted concurrently herewith. The Issue Fee has not yet been paid in this application.

A check in the amount of \$130 is enclosed herewith for payment of the petition fee set forth in 37 C.F.R. § 1.17(h). Please charge any additional fees or credit any overpayments to Deposit Account No. 10-0435 with reference to our matter 7175-74159.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in cursive script that reads "Ronald S. Henderson". The signature is written in dark ink and is positioned above a horizontal line.

Ronald S. Henderson

Reg. No. 43669

(317) 231-7341